

HOUSE BILL 2399
By Wood

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18 and Title 62, Chapter 6, relative to consumer protection violation for misrepresentation of unlicensed contractors as licensed contractors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by creating a new subdivision:

() Representing that a person is a licensed contractor when such person has not been licensed as required by § 62-6-103;

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 6, Part 1, is amended by creating the following new section:

62-6-136. (a) It is unlawful for any person, firm or corporation to represent itself as a licensed contractor unless such person, firm or corporation has been duly licensed under § 62-6-103.

(b) In addition to the penalties set out in § 62-6-120, a violation of this section shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of trade or commerce under the Tennessee Consumer Protection Act, compiled in title 47, chapter 18, part 1, and as such the private right of action remedy under such act shall be available to any person who suffers an ascertainable loss of money or property, real, personal, or mixed, or any other article, commodity, or thing of value wherever situated as a result of such violation.

(c) An individual who violates this section on behalf of any corporation is personally liable for such individual's own representations,

acts or omissions to the same extent as if that individual rendered
such representations, acts or omissions as an individual.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it